Express Mail No.: <u>EL 477 036 170 U</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jove et al.

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MAY 2 3 2002

Application No.: 09/492,764

Confirmation No. 1344

TECH CENTER 1600/2900

Filed: January 27, 2000

Group Art Unit: 1642

For:

INHIBITION OF STAT3

Examiner: Rawlings, S.

SIGNAL TRANSDUCTION

FOR HUMAN CANCER

Attorney Docket No.: 10873-008

THERAPY

(Formerly 114205.1101)

TRANSMITTAL OF SUBSTITUTE SEQUENCE LISTING **UNDER 37 C.F.R. § 1.821 AND** PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115

Assistant Commissioner for Patents Washington, DC 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice to Comply") mailed March 15, 2002, Applicants submit herewith a) a copy of the Notice to Comply; b) copies of a Substitute Sequence Listing in paper and computer readable forms, to correct the deficiencies noted in the Notice to Comply; and c) a Petition for Extension of Time for one (1) month from April 15, 2002 up to and including May 15, 2002 with the appropriate fees. Please enter the following amendments to substitute the Sequence Listing in the application, and consider the remarks made below.

IN THE SPECIFICATION

After the Abstract of the Disclosure, please delete the Chence Listing and replace it with the Substitute Sequence Listing submitted herewith.

REMARKS

The specification has been amended to insert the Substitute Sequence Listing provided herewith. The Sequence Listing corrects the informalities in SEQ ID Nos: 12 and

26 in order to comply with 37 C.F.R. §§ 1.822 and 1.823, and as such, the changes do not constitute new subject matter.

I hereby state that the content of the paper and computer readable copies of the Substitute Sequence Listing, submitted in accordance with 37 C.F.R. §§ 1.821(c) and (e), respectively, are the same. I hereby state that the submission herein under 37 C.F.R. §1.821(g) does not include new matter.

Applicants respectfully request that the present Amendment and remarks be entered and be made of record in the file history of the instant application.

Respectfully submitted,

Dated: May 15, 2002

Adriane M. Antler

(Reg. No.)

PENNIE & EDMONDS LLP 1155 Avenue of the Americas New York, New York 10036-2711 (212) 790-9090

Enclosures



United States Patent and Trademark Office

KMZ

APR 1 7 2002

UNITED STATES DE LATIMEN DE CONNERCE United States Patents of Traditions Office Address COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,764	01/27/2000	Richard Jove	114205.1101	1344
7590 03/15/2002 Pepper Hamilton 600 Forthteenth Street N W Washington, DC 20005-2004		AnTler Shih	10873-008	
		REFERRED TO	EXAMINER	
			RAWLINGS, STEPHEN L	
		APR 2 4 2002	ART UNIT	PAPER NUMBER
		Pennie & Edmonds	1642	(1
		O.K. for filing	DATE MAILED: 03/15/2002	9

Sequence listing 2mo Due 5/15/02 cg.
Please find below and/or attached an Office communication concerning this application or proceeding.

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TECH CENTER 1600/2900



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231

APPLICATION NO./	FILING DATE	FIRST NAMED INVENTOR I	ATTORNEY DOCKET NO.
CONTROL NO.		PATENT IN REEXAMINATION	
	<u> </u>		

09/492,764



EXAMINER

ART UNIT PAPER

RECEIVED

DATE MAILED:

MAY 2 3 2002

TECH CENTER 1600/2900

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

The communication filed 22 January 2002 is not fully responsive to the Office communication mailed 26 April 2001 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to be <u>bona fide</u> attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE** (1) **MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Stephen L. Rawlings, Ph.D., Art Unit 1642, whose telephone number is (703) 305-3008.

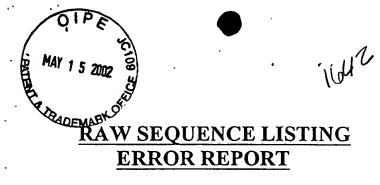
Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

WOSTMAN VELLAND

	Application No.	Applicant(s)	FCFIVED		
OIT E	Application No.				
MAY 15 200Nogice to Comply	09/492,764 Examiner	JOVE ET AL. Art Unit	MAY 2 3 2002		
MAY 15 MAY 15		TEC	H LENTER 1600/2900		
A STATE OF S	Stephen L. Rawlings, Ph.D.	1042			
NOTICE TO COMPLY WITH REQUIREMENTS	S FUR PATENT APPLICAT ACID SECUENCE DISCLO	IIONS CONTA	AINING		
NUCLEOTIDE SEQUENCE AND/OR AMINO	ACID SEQUENCE DISCLO	JONES			
Applicant must file the items indicated below within the ti avoid abandonment under 35 U.S.C. § 133 (extensions of	me period set the Office action to of time may be obtained under the	which the Notice e provisions of 37	e is attached to CFR 1.136(a)).		
The nucleotide and/or amino acid sequence disclosure of for such a disclosure as set forth in 37 C.F.R., 1.821 - 1.8	contained in this application does 325 for the following reason(s):	not comply with t	he requirements		
1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).					
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).					
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).					
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."					
☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).					
☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).					
7. Other:					
Applicant Must Provide: ☑ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".					
An initial or substitute paper copy of the "Sequence specification.	Listing", as well as an amendmer	nt directing its ent	ry into the		
A statement that the content of the paper and comp no new matter, as required by 37 C.F.R. 1.821(e) or 1.8	outer readable copies are the sar 21(f) or 1.821(g) or 1.825(b) or 1.	ne and, where ap 825(d).	oplicable, include		
For questions regarding compliance to these requirements, please contact:					
For Rules Interpretation, call (703) 308-4216					
For CRF Submission Help, call (703) 308-4212					
PatentIn Software Program Support Technical Assistance703-287-0200					
1 COHHICAL / 1331314110C					

To Purchase Patentin Software......703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY





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FEB 2 2 2002 TECH CENTER 1600/29

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/492,764ASource: 1642Date Processed by STIC: 2/11/2002

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216. PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax) PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker

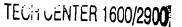
Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual ePAVE)
- 2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
- Hand Carry directly to:
 U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
 - U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
- 4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Page 1 of 7



FEB 2 2 2002





1642

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/492,764A

DATE: 02/11/2002 TIME: 14:24:25



		715
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	Output Set: N:\CRF3\02112002\I492764A.raw) 1
-		√ 1
	<110> APPLICANT: Jove, Richard	
7	Dalton, William Sebti, Said Does Not Comply	
. 9	Septi, Said Does No. No.	
11	Yu, Hua Corrected Diskette Needec	
. 13	•	
15		
17		
19	Hamilton, Andrew <pre><120> TITLE OF INVENTION: INHIBITION OF STAT3 SIGNAL TRANSDUCTION</pre>	ON FOR HIMAN CANCER
THERAPY		ON FOR HOPIAN CANCER
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	<140> CURRENT APPLICATION NUMBER: 09/492,764A	
	<141> CURRENT FILING DATE: 2000-01-27	
	<150> PRIOR APPLICATION NUMBER: 60/117,600	
	<151> PRIOR FILING DATE: 1999-01-27	
	<160> NUMBER OF SEQ ID NOS: 38	
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88	<400> SEQUENCE: 3	•
	gtcccccggc cggggaggcg ct	. 22
	<210> SEQ ID NO: 4	
94	<211> LENGTH: 25	
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102 <400> SEQUENCE: 4

106 <210> SEQ ID NO: 5 108 <211> LENGTH: 25 110 <212> TYPE: DNA

103 cgacgacttc tcccgccgct accgc

RAW SEQUENCE LISTING DATE: 02/11/2002 PATENT APPLICATION: US/09/492,764A TIME: 14:24:25

Input Set : A:\10873-008-999.txt

Output Set: N:\CRF3\02112002\I492764A.raw

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218 <223> OTHER INFORMATION: (N) S OR P
222 <400> SECUENCE: 13
   222 <400> SEQUENCE: 12
--> 224 His Tyr Xaa Pro Ile Leu Val Tyr Gln Pro Ser Trp
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RAW SEQUENCE LISTING DATE: 02/11/2002 PATENT APPLICATION: US/09/492,764A TIME: 14:24:25

Input Set : A:\10873-008-999.txt

Output Set: N:\CRF3\02112002\I492764A.raw

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289 <211> LENGTH: 7
291 <212> TYPE: PRT
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297 <400> SEQUENCE: 17
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327 <400> SEQUENCE: 19
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330 1

DATE: 02/11/2002

TIME: 14:24:25

PATENT APPLICATION: US/09/492,764A Input Set : A:\10873-008-999.txt Output Set: N:\CRF3\02112002\I492764A.raw 332 <210> SEQ ID NO: 20 334 <211> LENGTH: 6 336 <212> TYPE: PRT 338 <213> ORGANISM: Homo sapiens 342 <220> FEATURE: 344 <221> NAME/KEY: misc_feature 346 <223> OTHER INFORMATION: X = PHOSPHOTYROSINE 350 <400> SEQUENCE: 20 > 352 Pro Xaa Leu Lys Thr Lys 353 1 355 <210> SEQ ID NO: 21 357 <211> LENGTH: 6 359 <212> TYPE: PRT 361 <213> ORGANISM: Homo sapiens 365 <400> SEQUENCE: 21 367 Pro Tyr Leu Lys Thr Lys 368 1 370 <210> SEQ ID NO: 22 372 <211> LENGTH: 6 374 <212> TYPE: PRT 376 <213> ORGANISM: Homo sapiens 380 <220> FEATURE: 382 <221> NAME/KEY: misc_feature 384 <223> OTHER INFORMATION: X= PHOSPHOTYROSINE 388 <400> SEQUENCE: 22 √ 390 Ala Xaa Leu Lys Thr Lys 391 1 393 <210> SEQ ID NO: 23 395 <211> LENGTH: 6 397 <212> TYPE: PRT 399 <213> ORGANISM: Homo sapiens 403 <220> FEATURE: 405 <221> NAME/KEY: misc_feature 407 <223> OTHER INFORMATION: X = PHOSPHOTYROSINE 411 <400> SEQUENCE: 23 (v) 413 Pro Xaa Ala Lys Thr Lys 414 1 416 <210> SEQ ID NO: 24 418 <211> LENGTH: 6 420 <212> TYPE: PRT 422 <213> ORGANISM: Homo sapiens 426 <220> FEATURE: 428 <221> NAME/KEY: misc_feature 430 <223> OTHER INFORMATION: X = PHOSPHOTYROSINE 434 <400> SEQUENCE: 24

RAW SEQUENCE LISTING

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437 1

DATE: 02/11/2002

TIME: 14:24:25

PATENT APPLICATION: US/09/492,764A Input Set : A:\10873-008-999.txt Output Set: N:\CRF3\02112002\I492764A.raw 443 <212> TYPE: PRT 445 <213> ORGANISM: Homo sapiens 449 <220> FEATURE: 451 <221> NAME/KEY: misc_feature 453 <223> OTHER INFORMATION: X = PHOSPHOTYROSINE 457 <400> SEQUENCE: 25 > 459 Pro Xaa Leu Lys Ala Lys 460 1 462 <210> SEQ ID NO: 26 464 <211> LENGTH: 6 466 <212> TYPE: PRT 468 <213> ORGANISM: Homo sapiens Xaa in't shown in this sequence. 472 <220> FEATURE: 474 <221> NAME/KEY: misc_feature 476 <223> OTHER INFORMATION (X = PHOSPHOTYROSINE) 480 <400> SEQUENCE: 26 482 Pro Tyr Leu Lys Thr Ala 483 1 485 <210> SEQ ID NO: 27 487 <211> LENGTH: 4 489 <212> TYPE: PRT 491 <213> ORGANISM: Homo sapiens 495 <220> FEATURE: 497 <221> NAME/KEY: misc_feature 499 <223> OTHER INFORMATION: X = PHOSPHOTYROSINE 503 <400> SEQUENCE: 27 505 Pro Xaa Leu Lys 506 1 508 <210> SEQ ID NO: 28 510 <211> LENGTH: 4 512 <212> TYPE: PRT 514 <213> ORGANISM: Homo sapiens 518 <220> FEATURE: 520 <221> NAME/KEY: misc_feature 522 <223> OTHER INFORMATION: X = PHOSPHOTYROSINE 526 <400> SEQUENCE: 28 > 528 Pro Xaa Phe Lys 529 1 531 <210> SEQ ID NO: 29 533 <211> LENGTH: 3 535 <212> TYPE: PRT 537 <213> ORGANISM: Homo sapiens 541 <220> FEATURE: 543 <221> NAME/KEY: misc_feature 545 <223> OTHER INFORMATION: X = PHOSPHOTYROSINE 549 <400> SEQUENCE: 29 > 551 Xaa Leu Lys 552 1 554 <210> SEQ ID NO: 30

RAW SEQUENCE LISTING

Use of a and he has been detected in the Sequence Listing. ferview the Sequence Listing to incure a corresponding capitanation is presented in the <220> to <223> fields of each sequence using n or Xaa.

VERIFICATION SUMMARY
PATENT APPLICATION: US/09/492,764A

DATE: 02/11/2002 TIME: 14:24:26

Input Set : A:\10873-008-999.txt

Output Set: N:\CRF3\02112002\I492764A.raw

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Attachment for PTO-948 (Rev. 03/01, or earlier) 6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, MUST be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in ABANDONMENT of the application.